

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13
CHADWICK J. BUYNAC :
aka Chadwick Buynak :
aka Chadwick Joseph Buynak :
 :
 : CASE NO. 5-24-BK-00805
Debtor :

CHADWICK J. BUYNAC :
 : Plaintiff :
vs. : ADVERSARY NO. _____
SMALL BUSINESS ADMINISTRATION :
 : Defendant :

**COMPLAINT TO RECOVER DAMAGES FOR VIOLATION
OF THE AUTOMATIC STAY**

AND NOW COMES Plaintiff/Debtor, Chadwick J. Buynak, by and through his attorney, Tullio DeLuca, Esquire, to make this Complaint to Recover Damages for Violation of the Automatic Stay and, in support thereof, avers as follows:

1. On April 04, 2024, Chadwick J. Buynak, (hereinafter "Plaintiff/Debtor") filed his Chapter 13 Voluntary Petition Chapter 13 Title 11, U.S. Code in the United States Bankruptcy Court for the Middle District of Pennsylvania.
2. Jack N. Zaharapoulos, Esquire was appointed the standing Chapter 13 Trustee in the above case.
3. Isabel Casillas is the Administrator of Small Business Administration.
4. Plaintiff's automatic stay claim is a core proceeding under 28 U.S.C. § 571 (b)(2) and Plaintiff consents to entry of final orders and judgments by the Pennsylvania Bankruptcy Court in this adversary proceeding.
3. On April 07, 2024, Defendant, Small Business Administration was served by first class mail with the Notice of 341 Meeting of Creditors. A copy of the Certificate of Mailing of 341 Meeting Notice is attached hereto and made a part hereof, and marked as Exhibit "A."
4. Isabel Guzman is the Administrator of Small Business Administration.
5. After being notified of the filing of the Chapter 13 bankruptcy, Defendant

forwarded a billing statement on or about June 12, 2024 and June 25, 2024 to the Debtor in an attempt to collect on pre-petition debts. A copy of the billing statement is attached hereto and marked as Exhibit "B."

6. As a result of the Defendant's continued attempt to collect the debt, the Debtor has suffered the following damages:

A) Emotional Distress from the ongoing Harassment from Defendant to collect debt a number of 2 times from the month of June 2024.

B) Plaintiff will incur costs and expenses for attending hearings on the matter. Specifically, he will incur mileage at standard Federal mileage cost in the amount of \$10.18.

7. Based on the foregoing facts and the Exhibits attached hereto and made a part hereof, Defendant's conduct is in violation of the automatic stay, 11 U.S.C. Section 362.

WHEREFORE, the Debtor, Chadwick J. Buynak, requests the following relief:

1. An order adjudging Defendant, Small Business Administration in civil contempt for violation of the automatic stay provisions of Section 362 of the Bankruptcy Code.

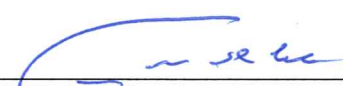
2. An order awarding Debtors damages, including punitive damages, for Defendant, Small Business Administration violation of the automatic stay, along with costs and attorney's fees incurred as a result of the violation of the automatic stay by Defendant, Small Business Administration.

3. Such other and further relief as the court may deem appropriate.

4. In an adversary proceeding before a bankruptcy court, the pleader does consent to entry of final orders of judgement by the bankruptcy court.

Date: March 18, 2025

Respectfully submitted,



Tullio DeLuca, Esquire
Pa I.D# 59887
381 North 9th Avenue
Scranton, Pennsylvania 18504
Attorney for Debtors

Exhibit A

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF PENNSYLVANIA	
In re:	
Chadwick J. Buynak, aka Chadwick Buynak, aka Chadwick Joseph Buynak, Debtor 1	Chapter 13 Case No. 5:24-bk-00805-MJC
Notice	
Notice is hereby given that: The previously scheduled 341 meeting of creditors has been rescheduled to:	
Meeting held by Zoom, visit join.zoom.us , Enter Meeting ID 890 248.6951, Click on Join using passcode 9568534732, or call 1-267-552-4885 For additional meeting information go to https://www.uscourts.gov/ust/moc	Date: June 3, 2024 Time: 11:00 AM
Address of the Bankruptcy Clerk's Office: Max Rosenn U.S. Courthouse 197 South Main Street Wilkes-Barre, PA 18701 (570) 831-2500	For the Court: Terrence S. Miller Clerk of the Bankruptcy Court: By: Michael McHugh, Deputy Clerk
Hours Open: Monday – Friday 9:00 AM – 4:00 PM	Date: April 26, 2024

ntnew341 (09/23)

Exhibit B

12/2 2 M 4G

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This communication is not intended as an attempt to collect a debt, or as an act to collect, assess, or recover all or any portion of a debt, from any individual or business protected under the United States Bankruptcy Code. SBA, however, reserves its legal rights with respect to any business that has not also filed for bankruptcy.

**U.S. Small Business
Administration**

409 3rd St, SW. Washington DC
20416

www.sba.gov

All SBA programs and services are provided on a nondiscriminatory basis. Reasonable accommodations will be made if requested at least two weeks in advance.



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To begin repayment and to apply for HAP, please log in to your MySBA Loan Portal immediately. If you have questions or need to discuss your HAP eligibility further, reach out to us without delay.

We at the SBA are here to support you through these tough times. Taking action now is essential for your business's health and to avoid further financial distress. We strongly encourage you to take immediate action to address your loan status and take advantage of the resources available to you.

Update Your Contact Information

You are required to keep your contact information updated with SBA. To update your email address, phone number and/or mailing address, please call SBA at 833-853-5638.

For additional assistance: Phone: 833-853-5638 (TTY:711) Email: COVIDEIDL Servicing@sba.gov

This communication is not intended as an attempt to collect a debt, or as an act to collect, assess, or recover all or any



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There's Still Hope - Take Advantage of the Hardship Accommodation Plan (HAP)

Despite the referral to TOP, it's not too late to mitigate the consequences. You need to act now. We've expanded eligibility for our Hardship Accommodation Plan (HAP) to support businesses like yours. HAP offers a lifeline with drastically reduced payments—starting at just 10% of your usual payment amount or as low as \$25 a month for six months, with the option to extend. This plan is designed to ease your burden without the need to pay back all overdue amounts upfront. Enrolling in HAP is a step toward securing your business's financial future. Don't miss this opportunity.

Critical Next Steps

You do not need to pay a third-party business as the SBA is here as your first and best resource. You can contact us for no-cost risk free support to help you every step of the way.

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Dear COVID EIDL Borrower,

This letter serves as an official communication from the U.S. Small Business Administration (SBA). We're reaching out to you directly with an urgent update about your COVID EIDL. **Your loan has now been referred to the U.S. Treasury Offset Program (TOP) due to overdue payments.** This is a serious matter that requires your immediate attention.

Your Loan Status: Immediate Action Needed

Continuing in payment default can further damage your credit, make you ineligible for future federal aid, and trigger tax return offsets and wage garnishment.

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Immediate Action Required:
Resolve Your COVID-19 Economic
Injury Disaster Loan (COVID EIDL)



Today Inbox



Small Business... 6 days ago




to ^

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.gov

Reply-to Do Not Reply • noreplynotifications@sba.gov

Date Jun 25, 2024, 12:25 PM

 Standard encryption (TLS).
[View security details](#)

U.S. Small Business Administration

Dear COVID EIDL Borrower,

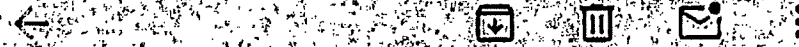


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12:12 M 2 M 6
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Immediate Action Required:
Resolve Your COVID-19 Economic
Injury Disaster Loan (COVID EIDL)
Today Inbox



Small Business Ad... Jun 12
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Immediate Action Required:

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Today Inbox



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